

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting
November 10, 2009

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the E. Curtis Ambler Conference Room at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Casasanta
Commissioner Ganley
Chairman Hall
Commissioner Kornichuk
Commissioner Pane
Commissioner Pruett
Commissioner Schatz
Commissioner Aieta
Commissioner Camerota
Commissioner Lenares

Commissioners Absent

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

A. **Proposed 2020 Plan of Conservation and Development – Chapter 126, Section 8-23. Proposed by the Newington Town Plan and Zoning Commission. Continued from October 28, 2009.**

Chairman Hall: Thank you, and if you would please check your cell phones and either put them on vibrate or turn them off we would appreciate it. This is a small room tonight and we would like to have as much focus as possible on the proceeding.

We're here tonight to discuss the Newington Plan of Conservation and Development. That is what the public hearing is on.

Ed, do you have a brief presentation this evening as to the Plan of Development. This is a continuation from October 28th, but in case some people had not attended that meeting....

Ed Meehan: Thank you. I'll be very brief. This is the third public hearing continued by the Commission on the draft plan. It's a ten year plan, vision of what Newington might be and how it might evolve over the next ten years. The Plan is prepared according to the state statutes, which all municipalities in Connecticut must follow in preparing their plan. There are certain components in the Plan of Conservation and Development that municipalities, local town planning and zoning commissions are required to follow, and

this plan addresses those. The planning process is such that this is an advisory document. It will lay the guidelines out for infrastructure development, utility development, residential and commercial development, open space conservation and basically it is used by the commission in a couple of regards. First, when the Commission reviews zoning amendment changes, either to the regulations themselves or the zoning map, and secondly it is used when the Commission is requested by the Town Council to make a comment back to the Council under the statute called 8-24 which is municipal public improvements. Those could be capital improvements such as the acquisition of property or the sale of town property, and third, it is used by this Commission as well as other boards and commissions, such as the Economic Development Commission or Conservation Commission and the Town Council for specific grant applications. State and Federal agencies look to our local plan as the basis for support for grant applications, and these applications can be for our small cities program, our streetscape programs, brownfield remediation, open space and conservation are just some of the things that the plan has been used for in the period of the last ten years. So, it's gratifying to have this much input on a public plan like this, my recollection is that the Commission in the past when they have worked on the plan has not enjoyed this much public participation, so, let's go.

Chairman Hall: I would like to mention that there are two forms of egress in this room, the room is getting a little bit crowded.....

Audience: There's forty people outside who came to the meeting.

Chairman Hall: Excuse me, there are two forms of egress, there is a door through which you came that you can also use as an exit, also, through this door, through the main Planning Department and the Building Department there is another exit out, so that if, for any reason we need to exit the room, there are two ways to do it. And to answer the question as to why we are here, this is a very full house tonight, there's the installation of the new Council, Board of Education, Constable down in the town chambers, the B and C is being used, the library is being used, the senior center is being used. We did try to get a bigger room, but unfortunately, this is all that was available to us this evening.

Commissioner Pane: Thank you Madam Chairman. I want to thank the Newington residents for coming out. This is a very important meeting concerning the proposed 2020 Plan of Conservation and Development's public hearing. It is good to see so many Newington citizens out to talk about our 2020 Plan. I know that your opinion will be extremely important to me, because I know that I am here, on this Commission to serve the public of this Community. Your comments tonight will help shape the future of this town. I feel compelled to express my feelings on this plan at this time so that the Community and this Commission know exactly how I feel on this extremely important issue. A few points, I am not in favor of any new high density in any areas of Newington. I am not in favor of changing the commercial zoned land on Cedar Mountain for

residential housing. I am not in favor of changing any commercial, industrial or business zoned land to allow residential housing. Extreme care of the balance of our commercial, industrial, retail business zoned land is important. If it is reduced, it could negatively impact the town's grand list which could become an extensive strain on the Town of Newington's community. Number four, in the Town of

Newington and in the center, I am not in favor of increasing the allowed heights of the buildings more than what is presently allowed, which is three stories. I think that keeping Newington's appearance as a small New England town should be of the highest priority. Number five, and lastly, I am in favor of increased open space throughout the Town of Newington. I would like to create and save a beautiful greenway of open space around the ridge line. This area should have an increased newer larger buffer for the protection of the ridge line and the environmental resources from any development, and this should be a high priority of this Commission. To get this accomplished, I believe we should study the portion of the ridge line from the Hartford town line all the way to the Berlin town line. A moratorium for a reasonable time period would be the best way to accomplish this. I hope the residents support a moratorium to study this issue and I want to thank the Commission and I want to thank the Community for allowing me to speak. Thank you.

Commissioner Pruet: I'd like to make a statement too, that I believe that the, due to the fact that we have not fulfilled or completed a final plan, a ten year plan, that we keep this open to the public to allow any other input as revisions come forth due to the nature that we haven't completed it yet. Thank you.

Chairman Hall: Again, we are here this evening to discuss the Newington 2020 Plan and we have come to the portion where it is public input, and as the secretary has read earlier, we will take persons wishing to speak in favor, persons wishing to speak in opposition, and those who wish to speak. Those who wish to speak in favor will be limited to two minutes. Those are the rules, so when you come forward to the podium, state your name and address for the record, and to allow as many people as possible to speak, we are going to hold you to the two minutes. In opposition, three minutes. So, having said that, anyone wishing to speak in favor of the plan? Now, this is any aspect of the plan. It is a fifty-six page document. It is in draft form right now, the purpose of the public hearing is to get input from the public as to what you do want to see in the Plan, what you don't want to see in the Plan. That is why we are here tonight. Those wishing to speak in favor, come forward, state your name and address.

We have to clear the doorway, so anyone who is in the doorway will have to line up against the side, or in the back. Also, in order to allow everyone to speak this evening, I would really appreciate it if you have spoken, if you would go out into the hallway and give your seat to someone who is in the hallway who might like to speak. So that we can reverse it, we want to give as many people as possible a chance to speak, so if you have said what you need to say, if you would switch with somebody outside, that would be much appreciated, and please clear the doorway. Who would like to be the first to speak in favor of the Plan on any level? No one wishes to give us any positive input on the Plan? All right, we'll go to those who wish to speak in opposition, and

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again, you are limited to three minutes. Come forward, state your name and address for the record.

Cindy Filanowicz, 48 Ellsworth Street: For those of you who aren't familiar with Ellsworth Street, I happen to be in the part of town that is between Center Street and Hawley Street. I believe that any town needs to grow, to various levels. However, when I saw portions of this particular plan, I was disturbed by some of the things that I saw, that part of Newington, as a tradition, I'm part of a family that currently has four generations living in Newington, from rental apartments to privately owned homes. A ten year plan needs to be drafted, that's a requirement before the State, however to draft a ten year plan that includes taking pieces out of the mountain, and tearing down homes that are currently residential to put in multi-use commercial property, or multi-use housing, or multi-unit housing I think is getting a step ahead of ourselves. We've got ample property that is currently vacated,

that needs to be built. We've got pieces of property that are already zoned commercial where the soil can't be used because we can't develop on it until somebody cleans it up. So to say that you are going to take a piece out of the mountain when we have soil that needs to be cleaned just doesn't seem right to me, and that's been going on for more than ten years, so for this to be part of a ten year plan I just think, it's getting ahead of ourselves. The houses should be left alone. I live on Ellsworth Street in Newington, about a block and a half from our town center. If I wanted to live on Ellsworth Street in West Hartford which is about a block and a half from the town center, I would have bought property there. That's not the town I want to live in, that's not the atmosphere I want to have. I like Newington the way that it is, in general, I realize that there is need for growth, but let's grow where it's appropriate. Let's look at putting apartment complexes in areas that would be appropriate for apartments. Let's not take from the mountain unless we have exhausted every other possibility. I thank you all very much for your time. Have a great evening.

Marilyn Miller, 2 Buck Street: After looking at the 2020 Plan, I didn't have much time to study, you did do a good job. There is a lot of information here and I also looked at some of the Connecticut Chapter 126, the general ordinances and when I looked at that I found that there doesn't need to be a TPZ Committee in this town, but our charter has said that we needed one, so by charter we have a TPZ Committee but they have to follow the guidelines of the state. That is in Section 8-19. Section 8-21, there is an area for disqualification of members to, they shouldn't vote if there is any impropriety when there is an issue on the table, they should just disqualify themselves. In Section 8-26D, and 8-7D, there should be a public hearing held in accordance with this section, which is being done now, but I didn't like how this meeting came forth last week, with all of the conversation and the condemning way, oh yeah, we'll listen to the public one more time, there is nothing going to be said differently, I didn't like that. I felt very sad to hear that from this committee last week. Section 8-23, you have the ability to (inaudible) plan for redevelopment improvement that show lower land values. I believe that there are parts of this that will show lower land values, and maybe the Commissioners of Transportation, Environmental Protection, Economic and Community

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Development help us. They can appoint more special committees to help you to develop and make recommendations to this new plan. You're right, draft two ain't going to work. On the 2020 Plan itself, on page 10 and 12 are very confusing regarding the acreage, open, vacant, unusable, public lands, extremely confusing and it needs to be cleared up before you can pass this plan. Page 4 of 2020 Plan, you can, as the TPZ Committee recommend to the Town Council for acquisition of land and for the funding of it. That is your own words, I heard, this is only my third meeting here and I have been in this town almost two decades, you can, but I heard you guys say that only the Town Council can do this, but you can, and have them do it. Page 6 of the 2020 Plan, population is estimated to be 2,000 less and up to twenty or thirty percent of age of sixty in twenty years. Why do we need high density housing, or 113 condos when we have already close to a hundred for sale signs in town. We are only thirteen square miles, and we don't need a Home Depot in down town either. Page 18, you all need to read your own words, pay attention to item number five....

Chairman Hall: Three minutes, please.

Marilyn Miller: Okay, why do we need a transportation hub when you report page 9 that Newington supports seventeen thousand jobs and has sixteen thousand residents in the working force. We don't want to pay for the convenience of a few hundred people that may use it. The best way to improve

gateways, community gateways is not to place a deadly traffic light in the middle of East Cedar Street going into town, it will be Avon Mountain all over. Let's put some heat under the asphalt so that we don't have to plow it, make it green, that will attract people. Thank you.

Maureen Klett, 104 Harold Drive: I just have a couple of comments. One on your, I read your minutes and your minutes say that you advertised this meeting, I believe it was in the Hartford Courant and the Newington Town Crier, but yet as I walked all over town it was very evident that people did not know what was happening with this 2020 Plan. Your vision statement for this Plan is different for the present plan. You include high density developments that may be considered where transit services and opportunities for mixed use are compatible. You talk about multi-density housing on the north side of East Cedar Street between Hawley Street and Center Court, it affects the Hawley neighborhood. Your plan down on Route 9 for high density transit service housing affects the people that live on Vincent Drive, the people over on that end of town, Old Farms and it also affects the people who live over on Chapman, Francis and all that, and most people did not know that this was even happening. The bottom line is, I don't feel that people in this community support multi-density housing. We've spent many years trying to keep this town the nice, charming residential town that it is, not having it become a big city. That addition will change the quality of this community forever. Secondly, in terms of Cedar Mountain, you did state in both plans, that your plan is to protect the environment and particularly the wetlands and Cedar Mountain ridge line. I would ask you to refer to your, the Newington Conservation Commission minutes of October 17, 2006. This was the minutes back when the committee took a position

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against the plan or the people who were trying to blast to build on the same area that we are talking about tonight and in that plan I would ask you to make part of your public hearing, there is a woman by the name of Penny Sharp who is a certified wetlands scientist in Connecticut. I am not sure I am going to pronounce this right, but she talks about hot vernal pools, and she also says that there is the possibility that there could be, she called it endangered species, but looking it up, it's not necessarily endangered species, I believe, special concern reptiles. According to the State of Connecticut which there is a statute that says that there shall be no reason for taking of Jefferson salamanders. She said that you needed to look at that, in the spring not in the fall, which is when you considered it, when it was considered the last time because that is when you would find out for sure what is in there. I believe that the possibility exists on the full mountain, that she may very well have an issue of at least special concerns for whatever lives up there.....

Chairman Hall: Three minutes, Maureen.

Maureen Klett: In closing, I would like to thank Mr. Aieta and Mr. Pane for promoting and making sure that this public hearing did not get closed last time, because as you can see, there are people standing out in the hallway and people feel very strongly about what is going to happen, what is going to happen to the Town of Newington and our future. I would be more than happy to submit, if you would like, for the record the things that I pulled off a very easy Internet search and I believe right in your own building department you have the verbatim minutes of the October 17th Commission, Development Commission meeting. Thank you.

Audience: I can't hear anything out here.

Gary Bolles, 28 Burdon Lane: Life long Newington resident. I fully support preservation of Cedar Mountain and its ridge line. I do not support any development on Cedar Mountain that would ruin its intrinsic beauty be it high density, low density, whatever. As a matter of fact, any high density development should be restricted to an area that has mass transit. A few years ago a developer came before you that wanted to put a traffic light at the top of Cedar Mountain, a light that would only be a death sentence, especially in the winter. I truly wish that we could have the serenity of our Cedar Street, Route 175 as enjoyed, as it is enjoyed as the same route returns to one lane in each direction when it crosses our eastern town line into Wethersfield. I know that you can't answer this question, but let's ask ourselves why we in Newington have to endure two lanes in each direction on Cedar Street when Wethersfield only has to endure one lane in each direction, someone, someplace, somewhere surely missed the boat on this one. Thank you for your intention and your consideration of my thoughts and facts presented herewith. Thank you.

Chairman Hall: Anyone else wishing.....

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Commissioner Pane: Madam Chairman, excuse me, excuse me.....

Atra Namus: I have.....

Commissioner Pane: Excuse me, one minute please. Madam Chairman, may I have the floor please. There is at least forty to fifty people outside. We need to, I think stop this meeting and move it to the auditorium, okay, and when the Council gets here, obviously they are going to have to come over here. We can't continue this meeting the way that it is going on now. It's not safe, and it's not fair to the residents that are out there. I think that would be the best thing to do. It's a little inconvenient for everybody, it's a little inconvenient for the Commissioners, but I think that we need to move the meeting.

Chairman Hall: Domenic, we did try to do that earlier today and it was not going to be possible, and the last time when we were in the chambers I explained because of the use of the building this evening, it was going to be very difficult....

Commissioner Pane: Madam Chairman, with all due respect, Madam Chairman, I'm sure the Council will understand the problem.

Chairman Hall: Actually, they don't because they were asked.

Commissioner Pane: Well, we have some Councilors here and maybe we'll ask them, okay, Madam Chairman? We can't continue this meeting the way that it is going on now. It's not safe, and everybody out there can't hear what's going on.

Atra Namus: At this point right now, the auditorium is empty, common sense would.....

Chairman Hall: It's empty for thirty minutes, that's all.

Audience: Fine, fine.

Chairman Hall: Excuse me, excuse me Mr. Cohen, now listen, we have certain rules that need to be followed this evening in order to keep this going in a civil manner. If you are going to take over in a mob mentality, we will get no where. I will be more than happy to recognize anyone who raises his or her hand or who comes to the podium and wishes to speak. We are not going to be shouting back and forth at one another and we are not going to be shouting without being recognized. There is a hand in the back, in the doorway.

Audience: There are fifty people out here, nobody can hear anything, nobody knows.....

Audience: A town meeting has to have people in it.

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Audience: Can we reschedule it, can we.....

Chairman Hall: We can cancel it and bring it back on the 23rd.

Michael Fox, 1901 Main Street: Before I say what I was going to say, you were speaking to the Town Planner that we can't reschedule it?

Chairman Hall: We can reschedule it, we can cancel this evening, and the reschedule it for the 23rd of November which is our next meeting.

Michael Fox: Then why don't we? That will give us plenty of time.....

Chairman Hall: And we could have the auditorium at that point.

Michael Fox: And it would extend your sixty-five day period.....

Chairman Hall: There is no sixty-five day period.

Michael Fox: At any rate Madam Chairman, Members of the Commission, I don't think that there is anybody back there that would not agree or would not say that we should reschedule this meeting for a later time, as soon as we can, as soon as you can get the Council chambers. There are a lot of people out there and I was standing out there for a while until I shoved myself up front here so I could hear what was going on, not everybody can do that. There are a lot of people interested in this, it affects just about everybody in town, and to continue this public hearing in this manner would be grossly unfair and it's just, I don't know, it takes a lot of people out of the conversation. Thank you.

Chairman Hall: Thank you.

Commissioner Pruett: I make a motion that we cancel the meeting tonight and reschedule it for our next meeting on the 23rd.

Chairman Hall: I think it would be to adjourn, we would adjourn the meeting. Do we have a second on this?

Commissioner Casasanta: I'll second it.

Chairman Hall: Any discussion? Any discussion among the Commissioners to adjourn until the 23rd reschedule the public hearing until the 23rd?

Commissioner Schatz: The question that I would have is that I want to hear from as many people as possible. Some of our Commissioners are saying, and you are not getting it, let's make a buffer. I'm out

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personally to save the whole mountain, okay? And what brought me to that conclusion is that I spent some time in Gettysburg and I stood on a ledge there and saw hundreds of acres from Wal-Mart, all these other fast food that want to come in there, and I said, you know, we are dealing with this in Newington, our little town, and here somebody dealt with over hundreds of acres and they did it, and I don't see why we can't do it here.

Chairman Hall: All right, discussion is on the adjournment. All in favor of adjourning and moving to the 23rd?

Commissioner Pane: Discussion still?

Chairman Hall: I did ask for discussion.

Commissioner Pane: People had their hands up, Madam Chairman.

Commissioner Aieta: Madam Chairman, if we advertise it, should we advertise that we should have the Council chambers for the meeting because the same amount of people are going to be here for the next meeting. So we should give them the opportunity that all of them will fit in the room.

Chairman Hall: That's a Monday night, we'll have to make sure that it's available because it is a different night than we normally have it, it's going to be a Monday night, the 23rd is a Monday. This is a Tuesday, which is not our normal night, our normal night is Wednesday, so it's going to be even more different on a Monday.

Commissioner Camerota: I'm in agreement with adjourning and I'll make a suggestion if for some reason we can't get the council chambers that we move it to Martin Kellogg. I know that sometimes they have some things going on, but maybe one of the auditoriums in the middle school is available, or the high school.

Commissioner Ganley: If I may, I would just leave that question open, and let's get the best possible facility that would be available at that time that would be able to accommodate the most people. I'm saying if we can't get Martin Kellogg, let's get the best one that we can.

Chairman: All right, all in favor of adjourning now, and moving to the 23rd.....

Audience: May I just say one thing, I don't mean to disrupt, but there are people in the hallways, they are saying that the 23rd is the week of Thanksgiving.

Chairman Hall: Yes it is....

Audience: Is there an opportunity to perhaps change it to a day that you don't normally meet that's the following week?

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Chairman Hall: That's what Monday the 23rd is, it's Monday of Thanksgiving week, that's why we are not meeting on Wednesday, because it is the day before Thanksgiving.

Audience: I know that you don't normally meet on those days, but is there a possibility that it could be postponed to the following week, so that people can get back from their holiday? There's quite a few people here, they showed up tonight, I don't know how inconvenient it is for all of you, but I'm sure that they would appreciate it.

Chairman Hall: Unfortunately no matter what night we pick, there will be people who are not going to be available, so we will do the best that we can, so it is going to be the 23rd, Monday the 23rd, and we will see what happens that night as to where we can meet and how it goes that night.

Chairman Hall: Do you have something else for discussion?

Commissioner Pane: Yes. I am in favor of postponing this, since we can't move, but I'm really disappointed in the Chairman for not making plans for this amount of people because we knew, we knew that we would have this much, this many people here at this meeting, and you should have taken the, and talked to the Town Manager....

Chairman Hall: I did.

Commissioner Pane: And the Council....

Chairman Hall: I did.

Commissioner Pane: And you should have demanded the Council chambers.

Chairman Hall: In response, this morning, as I was on the phone for two hours with the Town Manger, could we get the chambers, can we get the senior center, can we get the library, the answer was no.

Commissioner Pane: Should have planned it the day after our meeting, you knew, we told you.....

Chairman Hall: So unfortunately we couldn't do it.

The motion was unanimously in favor of the adjourning the meeting with seven voting YES. The meeting was adjourned at 7:25 p.m.

The following items were not discussed prior to the adjournment of the meeting:

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes.)

IV. MINUTES

October 28, 2009 – Regular Meeting

V. COMMUNICATIONS AND REPORTS

VI. NEW BUSINESS

A. Discussion of Cedar Mountain Development moratorium

VII. PETITIONS FOR SCHEDULING (TPZ *Monday* November 23, 2009 and December 9, 2009.)

IX. PUBLIC PARTICIPATION
(For items not listed on the agenda)

X. REMARKS BY COMMISSIONERS

XI. STAFF REPORT

Respectfully submitted,

Norine Addis,
Recording Secretary